

Notice of Allowability

Application No.

10/749,159

Examiner

Nasser Ahmad

Applicant(s)

FENELON, MARK S.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/23/2006.
2. ☒ The allowed claim(s) is/are 20-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/23/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.

Continuation of Attachment(s) 9. Other: Drawing submitted on 12/30/2003 are acceptable by the examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ryan W. Massey on March 30, 2006.

The application has been amended as follows:

Claim 20, line 1, before "partitioning", the phrase - - doorway or window- - has been inserted.

Claim 20, line 2, the phrase "a doorway" has been changed to - -the doorway- -.

Claim 20, line 8, after "portion", the phrase - -, the two longitudinal edge portions are perpendicular to the seam portions and are spaced apart by the body panel located therebetween, said edge portions are joined along opposite edges of the panel forming the doorway or window sealingly closing partitioning device panel - - has been added.

Claim 24, line 1, before "partitioning", the phrase - - doorway or window- - has been inserted.

Claim 24, line 2, the phrase "a doorway" has been changed to - -the doorway- -.

Claim 24, line 4, before "forming", the phrase - -, the sealing wall is sealed along its perimeter, opposite the sealing side, to the working wall perimeter - - has been inserted.

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Claim 24, line 5, before “;”, the phrase - -, wherein said pre-sized panel includes an opening with a check valve for forcing a mass of air into said chamber, said panel forming the doorway or window sealingly closing partitioning device panel - -.

Claims 27-29 have been cancelled in view of the amendment to claim 24.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

A review of applicants' arguments made in amendment filed on January 23, 2006 and a review of the instant amended claims has convinced the examiner that the claims are allowable over the applied prior art of record. The prior art fails to teach a doorway or window partitioning device comprising a panel having a plurality of pre-sized body portions separated by seam portions having perforation along each of the seam portion as shown in figures 7 and 8), that each of the body portion includes a door opening having a hinge, an opening edge and a closing edge, wherein the opening and closing edges are provided with hook-and-loop type connector (as shown in figure-5). Further, the prior art also fails to teach a doorway or window portioning device comprising a panel having a sealing wall and a working wall that are joined along the perimeter forming a chamber therebetween, with a check valve for forcing a mass of air into said chamber (as shown in figure-4). Also, no evidentiary support could be provided to

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support the position that the claimed invention would have been obvious over the prior art of record to one having ordinary skill in the art.

The closest prior art of Bentley (USP 4971130) relates to a body portion with a door opening but fails to teach a panel with a plurality of body portions separated by seams having perforations along said seams or a body portion with a check valve.

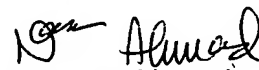
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 4/2/06
Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
April 2, 2006.